



# COFFMAN SPECIALTIES, INC.

GENERAL AND ENGINEERING CONTRACTORS

October 1, 2015

Sent via facsimile: 916 227-6282  
e-mail, and U.S. Mail

John C. McMillan, Deputy Division Chief  
Office Engineer  
California Dept. of Transportation  
P.O. Box 168041, MS-43  
Sacramento, CA 95816-8041

Re: Caltrans Contract #11-2T1904  
Protest of Finding Coffman Specialties, Inc.'s Low Bid Nonresponsive  
Extension of Coffman Specialties Inc.'s Bid

Dear Mr. McMillan:

This letter is written in response and protest to the Department of Transportation's ("Caltrans") letter dated September 24, 2015 and determination of Coffman Specialties, Inc.'s ("Coffman") bid "nonresponsive." Coffman's bid was entirely responsive to the Contract bid documents, as discussed below.

## I. FACTS

On September 3, 2015, Coffman submitted a bid to Caltrans for the above-referenced Contract. Coffman is the low bidder by nearly \$700,000.00. This chart shows the bid results:

#	Contractor	Bid Amount	\$ Difference	% High	% Difference
1	Coffman Specialties	\$ 9,285,000.00	Low Bid	Low Bid	0.0%
2	LB Civil	\$ 9,978,364.10	\$ 693,364.10	7.5%	6.9%
3	Ortiz	\$ 10,994,549.26	\$ 1,709,549.26	18.4%	9.2%
4	Flatiron West	\$ 11,235,219.00	\$ 1,950,219.00	21.0%	2.1%
5	USS Cal Builders	\$ 13,398,271.01	\$ 4,113,271.01	44.3%	16.1%
6	Hazard	\$ 14,054,843.20	\$ 4,769,843.20	51.4%	4.7%

Three weeks after bid opening, Caltrans informed Coffman that it determined Coffman's bid "nonresponsive" because:

"On the Subcontractor's List form under the Percentages of Bid Items Subcontracted, Coffman identified Diversified Landscape as performing bid items 16, 17, 18, and 19. However, **did not provide a percentage of work to be performed.** Therefore, Caltrans is unable to determine the amount of work Diversified Landscape would be performing for the above mentioned items of work."



(Caltrans correspondence dated September 24, 2015; emphasis added.) Caltrans' recitation of the facts is wholly incorrect; Coffman **did provide a percentage of work** to be performed for bid items 16, 17, 18, and 19; that percentage was "zero." Thus, Caltrans' determination is improper and its determination is contrary to Caltrans' own procedures and California's bidding law.

## II. COFFMAN PROTESTS CALTRANS' IMPROPER DETERMINATION

Coffman protests the finding of Coffman's bid nonresponsive pursuant to Public Contract Code § 10345;<sup>1</sup> and also protests the State's intended award of contract to LB Civil Construction, Inc. who was not the lowest responsive bidder. (Its bid was not even "responsive" at all. This will be addressed under separate cover.)

A governmental agency, when awarding public work, must determine whether a bidder is responsible, and also whether the bid is responsive to the call for bids, i.e., "whether the bid 'promises to do what the bidding instructions demand.'" (*D.H. Williams Const., Inc. v. Clovis Unified School Dist.* (2007) 146 Cal.App.4th 757, 764). A bid is responsive if it promises to do what the bidding instructions require. *Taylor Bus Service, Inc. v. San Diego Bd. of Education* (1987) 195 Cal.App.3d 1331, at 1341. Whether a bid is responsive can be determined from the face of the bid without outside investigation or information. (*Id.*, at 1342).

The face of Coffman's bid verifies it was responsive. Coffman's DBE information submitted to Caltrans immediately after bid opening further confirms the responsiveness of the bid.

## III. COFFMAN'S BID WAS RESPONSIVE

### A. Coffman Fully Completed the Subcontractor List by Providing Percentages for All Items of Diversified Landscape's Work.

Coffman listed Diversified Landscape pursuant to the bid instructions at Section 2-1.10 of the Revised Standard Specifications applicable to the 2010 Standard Specifications (contained within the Notice to Bidders and Special Provisions). Section 2-1.10 required as follows:

#### **2-1.10 SUBCONTRACTOR LIST**

On the Subcontractor List form, list each subcontractor to perform work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.)<sup>2</sup>

<sup>1</sup> "[A] bidder determined to be nonresponsive is entitled to notice of that fact and is entitled to submit materials, in a manner defined by the District, concerning the issue of responsiveness. (*Taylor Bus Serv., Inc. v. San Diego Bd. of Educ.*, 195 Cal. App. 3d 1331, 1343 (Ct. App. 1987).)

<sup>2</sup> Section 4104 of the Public Contract Code requires any person making a bid to perform the work shall, in his or her bid, set forth: "[¶] (a)(1) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement. . . [and] [¶] (b) The portion of the work that will be done by each subcontractor under this act." (Pub. Cont. Code § 4104;

For each subcontractor listed, the Subcontractor List form must show:

1. Business name and the location of its place of business.
2. California contractor license number for a non-federal-aid contract.
3. Public works contractor registration number
4. Portion of work it will perform. Show the portion of the work by:
  - 4.1. Bid item numbers for the subcontracted work
  - 4.2. Percentage of the subcontracted work for each bid item listed
  - 4.3. Description of the subcontracted work if the percentage of the bid item listed is less than 100 percent

**Coffman's bid met all requirements with respect to the Subcontractor List.** It indicated Diversified Landscape would perform the following Bid Items in the percentages shown below:

Bid Item Number	Item Description	Percentage Performed
14	MOVE-IN/OUT TEMP EROSION	100
15	TEMP HYDRAULIC MULCH	100
16	TEMP DAM CHECK	0
17	TEMP DRAINAGE INLET PROTECT	0
18	TEMP FIBER ROLL	0
19	TEMP CONSTRUCTION ENTRANCE	0
74	MOVE-IN/OUT EROSION CONTROL	100
75	FIBER ROLLS	100
76	HYDROSEED	100
27	REMOVE IRRIGATION FACILITY	100
48	ROADSIDE CLEARING	100
49	WEED GERMINATION	100
50	IRON SULFATE	100
51	RELOCATE IRRIGATION CONTROLLER	100
52	PACKET FERTILIZER	100
53	PLANT GROUP K	100
54	PLANT GROUP A	100
55	PLANT GROUP U	100
56	SOD	100
57	PLANT ESTABLISHMENT	100
58	WOOD MULCH	100
59	CONTROL & NEUTRAL	100
60	1" REMOTE CONTROL VALVE	100
61	1 1/2" REMOTE CONTROL VALVE	100
62	RISER PEDESTAL	100
63	TREE WELL SPRINKLER ASSEMBLY	100
64	RISER SPRINKLER ASSEMBLY (GEAR)	100
65	RISER SPRINKLER ASSEMBLY	100

emphasis added.) The Act does not require the subcontractor's work be stated as a percentage of the contract. (*Valley Crest Landscape, Inc. v. City Council*, 41 Cal. App. 4th 1432, 1440 (1996), as modified on denial of reh'g (Feb. 21, 1996).) Thus, only the express language of the bid specifications are relevant to the requirement to list percentages of a listed subcontractor's work.

66	1 ½" GATE VALVE	100
67	2" GATE VALVE	100
68	1" PLASTIC PIPE SCH 40	100
69	1 1/4" PLASTIC PIPE SCH 40	100
70	1 ½" PLASTIC PIPE SCH 40	100
71	2" PLASTIC PIPE SCH 40	100
72	3" PLASTIC PIPE SCH 40	100
73	10" CORRUGATED HIGH DENSITY	100
77	COMPOST	100
78	INCORPORATE MATERIALS	100

(See relevant portion of Coffman's bid, Attachment "1" hereto.) Coffman provided a percentage amount for every Bid Item listed for Diversified Landscape; zero percent for four Items, one hundred percent for the rest.

The manner in which Caltrans' electronic bid system is designed combined with the rush of last-minute quotes commonly received by subcontractors forced Coffman to submit its bid with zero-percentages. Actual deletion of unnecessary/unwanted bid items for a particular subcontractor was impossible under the circumstances. Coffman set up its electronic bid expecting to subcontract all the Bid Items shown to a single subcontractor. Diversified Landscape's low quote was received shortly before the time for bid opening, and omitted Items 16-19. Coffman decided to utilize this DBE subcontractor and self-perform the 4 omitted Items, so, lacking the time to remove Bid Items 16, 17, 18 and 19 from the Subcontractor List in its online bid form, Coffman simply wrote "0" as the percentage of work that Diversified Landscape would perform.<sup>3</sup>

The reason for the "zero" is irrelevant to the central fact that **Coffman's Subcontractor List *did* contain percentages for all listed items of work, and was therefore fully responsive.**<sup>4</sup>

Had Coffman actually "not provide[d] a percentage" as Caltrans contends, then its bid would have shown mere blank spaces where the "0s" exist. This proves Coffman *did*, in fact, affirmatively and actively "provide a percentage" in every case.

**B. Caltrans Could Determine from Coffman's Bid the Amount of Work Diversified Landscape Would Perform.**

Coffman's bid clearly shows the Items of work Diversified Landscape would perform and how much. The bid is consistent with Diversified Landscape's quote of which Caltrans is in possession. (See quote, Attachment "2" hereto.) Coffman submitted the quote with its DBE information. Items 16, 17, 18 and 19 were omitted from Diversified's quote, so Coffman stated in its bid that

<sup>3</sup> If a prime contractor fails to specify a subcontractor will perform work in excess of one-half of 1 percent of the prime contractor's total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor will perform that portion himself or herself. (Pub. Cont. Code § 4106.) Coffman will purchase materials for Items 16, 18 and 19 from a DBE supplier and install the materials itself. (See DBE Commitment, Attachment "4.") One would expect Caltrans to be pleased that all of these Items will be subcontracted to or purchased from a DBE.

<sup>4</sup> As a courtesy, Coffman provides this explanation should Caltrans be curious of the reason for the zeros.

Diversified would perform "0 %" —no percentage—of those Items.

Coffman provided a DBE Confirmation form for Diversified Landscape to Caltrans after bid opening, as the instructions required. This form listed the DBE-qualifying Items it would perform. (See Confirmation form, Attachment "3" hereto.)

Coffman also timely submitted a DBE Commitment form indicating the contract value of each of its DBE subcontractors. **This form confirmed the accuracy of the Bid Items to be performed by Diversified Landscape as they were listed in Coffman's bid.** (See Commitment form, Attachment "4" hereto.) Coffman's DBE Commitment form, first column, reaffirmed Diversified Landscape would perform Items 14, 15, 27, 48-67, 68F-72F,<sup>5</sup> and 73-78.

Caltrans' claim that it was "unable to determine the work Diversified Landscape would be performing for the above mentioned items of work" is at odds with the evidence. Coffman's bid was unmistakably clear.

- Coffman listed Diversified Landscape to perform 100% of thirty-four Items of work, and to perform 0% of four listed Items.
- Diversified Landscape's quote (which Caltrans has) included pricing for the thirty-four Items of work for which it was listed to perform and did not include pricing for any of the four listed Items for which it was listed to perform 0%.
- Diversified Landscape was identified as performing the same thirty-four Items of work in Coffman's DBE Commitment form.

Any inability to determine Diversified Landscape's scope of work the Office Engineer may have experienced was not caused by a lack of clarity in Coffman's bid; "0 %" meant Diversified Landscape would perform no part of those Items of work.

#### **IV. THE FINDING OF NONRESPONSIVENESS IS ARBITRARY, CAPRICIOUS, AND LACKS EVIDENTIARY SUPPORT**

Caltrans' actions in this matter are arbitrary, capricious, and entirely lacking in evidentiary support. The only reasonable interpretation of the bid instructions requiring one to insert the percentage of subcontract work to be performed is to allow the insertion of zero percent if none of that work will be performed. Caltrans' interpretation that writing "0 %" equates to "not provid[ing] a percentage" completely ignores the **plain meaning** of the words used in the bid documents. Nothing precludes a bidder from stating a subcontractor will perform zero percent of an item of work. Zero is a natural (whole) number. It is as valid a percentage as one hundred, and its meaning is evident. It means none. It cannot mean anything else; it is unambiguous.

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<sup>5</sup> The designation of "F" following the Bid Item numbers in the DBE Commitment form is included to match the "F" shown after these Bid Item numbers in the Contract bid documents. These are the only Bid Items corresponding to these numbers. (In other words, there is only one Bid Item 68F. There is no Bid Item 68A, for example.)

John McMillan  
California Dept. of Transportation  
October 1, 2015  
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**V. LB CIVIL CONSTRUCTION, INC.'S BID IS NOT RESPONSIVE**

This bid involves a federally funded project. Caltrans is bound to follow all applicable federal laws in connection therewith. Caltrans' determination not to award the contract to Coffman and to award it to LB Civil Construction, Inc. constitutes an arbitrary and therefore wrongful governmental deprivation of a recognized proprietary interest created by California bidding law, violative of 42 U.S.C. § 1983 and its due process protections.

**VI. CALTRANS MUST AWARD THE CONTRACT TO COFFMAN**

Caltrans' own rules and specifications obligate it to accept Coffman's bid where a percentage (of any number, including zero) was given for a subcontractor's work. (See, e.g., *Pozar v. Dep't of Transp.*, 145 Cal. App. 3d 269, 271 (Ct. App. 1983).) And California's State Contract Act, (Chapter 1 of Part 2 of Div. 2 of the Public Contract Code), mandates that Caltrans must award contracts to the lowest responsible bidders. (Pub. Cont. Code §§ 10180, 10106). A public agency's compliance with the competitive bidding requirements of Public Contract Code §10108 is mandatory, and a contract solicited or awarded in contradiction of the terms of the statute is void and unenforceable as being in excess of the agency's power. (*Miller v. McKinnon* (1942) 20 Cal. 2d 83, 87-88.)

Coffman was the lowest responsible bidder and its bid was responsive. The undisputed facts and the face of Coffman's bid undeniably shows it is responsive. Hence, Caltrans must award the Contract to Coffman or reject all bids; an award otherwise is void and unenforceable because Caltrans has no authority to award the Contract to any other entity.

Please withdraw your determination and award the Contract as required by law. As we await a favorable response from the State, Coffman hereby extends the validity of its bid such that the same shall remain open and valid for an additional 60 days beyond its original expiration date.

Very truly yours,

  
Angela J. Soldner  
General Counsel

# Attachment “1”

CALTRANS  
STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
BID FOR

11

CONSTRUCTION ON STATE HIGHWAY IN  
SAN DIEGO COUNTY IN SAN DIEGO FROM ADAMS AVENUE OVERCROSSING TO CAMINO  
DEL RIO SOUTH UNDERCROSSING  
In District 11 on Route 15

UNDER

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Notice to Bidders and Special Provisions dated July 13, 2015  
Project plans approved May 26, 2015  
Standard Specifications dated 2010  
Standard Plans dated 2010

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Identified by

Contract No. 11-2T1904

11-SD-15-M5.6/R6.0

Project ID 1100020291

FEDERAL-AID PROJECT  
ATPL-6211(129)

Bids open Thursday, September 3, 2015

Dated July 13, 2015

, AADD



STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 11-2T1904 Project ID: 1100020291  
Bidder Name: Coffman Specialties, Inc.  
DES-OE-0102.2C (REV 03/2015)

Bidder ID: VC0000007963

Bidding Firm: Coffman Specialties, Inc.

List this sub? Yes

7) Business Name ALCORN FENCE DBA ATLAS FENCE CORP  
Location City CHULA VISTA State CA  
California Contractor License Number 176374  
Public Works Contractor Registration Number 1000001986  
Portion of Work Subcontracted:

Item #	Description
123 100	BARRIER POST
124 100	TEMPORARY DELINEATOR CLASS 1
125 100	CHAIN LINK RAILING TYPE 7 MODIFIED
127 100	CABLE RAILING

List this sub? Yes

8) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
14 100	MOVE-IN/OUT TEMP EROSION
15 100	TEMP HYDRAULIC MULCH
16 0	TEMP DAM CHECK
17 0	TEMP DRAINAGE INLET PROTECT
18 0	TEMP FIBER ROLL

List this sub? Yes

9) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
19 0	TEMP CONSTRUCTION ENTRANCE
74 100	MOVE-IN/OUT EROSION CONTROL
75 100	FIBER ROLLS
76 100	HYDROSEED

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 11-2T1904 Project ID: 1100020291  
Bidder Name: Coffman Specialties, Inc.  
DES-OB-0102.2C (REV 03/2015)

Bidder ID: VC0000007963

Bidding Firm: Coffman Specialties, Inc.

List this sub? Yes

10) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
27 100	REMOVE IRRIGATION FACILITY
48 100	ROADSIDE CLEARING
49 100	WEED GERMINATION
50 100	IRON SULFATE
51 100	RELOCATE IRRIGATION CONTROLLER

List this sub? Yes

11) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
52 100	PACKET FERTILIZER
53 100	PLANT GROUP K
54 100	PLANT GROUP A
55 100	PLANT GROUP U
56 100	SOD

List this sub? Yes

12) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
57 100	PLANT ESTABLISHMENT
58 100	WOOD MULCH
59 100	CONTROL & NEUTRAL
60 100	1" REMOTE CONTROL VALVE
61 100	1 1/2" REMOTE CONTROL VALVE

Bidding Firm: Coffman Specialties, Inc.

List this sub? Yes

13) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
62 100	RISER PEDESTAL
63 100	TREE WELL SPRINKLER ASSEMBLY
64 100	RISER SPRINKLER ASSEMBLY (GEAR
65 100	RISER SPRINKLER ASSEMBLY
66 100	1 1/2" GATE VALVE

List this sub? Yes

14) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
67 100	2" GATE VALVE
68 100	1" PLASTIC PIPE SCH 40
69 100	1 1/4" PLASTIC PIPE SCH 40
70 100	1 1/2" PLASTIC PIPE SCH 40
71 100	2" PLASTIC PIPE SCH 40

List this sub? Yes

15) Business Name DIVERSIFIED LANDSCAPE  
Location City WILDOMAR State CA  
California Contractor License Number 576183  
Public Works Contractor Registration Number 1000009249  
Portion of Work Subcontracted:

Item #	Description
72 100	3" PLASTIC PIPE CLASS 315
73 100	10" CORRUGATED HIGH DENSITY
77 100	COMPOST
78 100	INCORPORATE MATERIALS

-----BEGIN PGP SIGNED MESSAGE-----

Hash: SHA1

BID SUBMISSION RECEIPT

Vendor Name = Coffman Specialties, Inc.  
Vendor Addr1 = 9685 Via Excelencia  
Vendor Addr2 = Suite 200  
Vendor City = San Diego  
Vendor State = CA  
Vendor Zip = 92126  
Vendor Phone = 858-536-3100  
Vendor ID = VC0000007963

9,285,000

Digital ID = Colleen Coffman VC0000007963  
FingerPrint = c7 f2 fb 5f 69 fc e4 e1 73 48 b6 1e 89 18 4f 2b 5a a8 fd 04  
Agency = CALTRANS  
Letting ID = 11-2T1904  
Letting Date = 09/03/2015  
CallOrder = 1  
Amendments = 1  
Proposal ID = 11-2T1904  
Bid Version = 5.11a  
Protocol Ver = 2.00  
Submission Time = 09/03/2015 04:55:43 PM EDT  
  
Bid MD5 = 4d 79 73 1e 07 96 50 e2 f4 88 05 de ea 72 1a 00

Your encrypted submission relating to Call Order 1 dated 09/03/2015 was received at the Bid Submission time indicated above. Receipt of this submission does not imply that it complies with the substantive or procedural requirements of the state of CALTRANS. The form and sufficiency of your submission will be determined by the CALTRANS Department of Transportation upon the opening of bids.

This is your bid submission receipt. This bid submission replaces any prior submissions for this proposal.

Bid Receipt Ver. 4.0a

-----BEGIN PGP SIGNATURE-----

Version: GnuPG v2.0.14 (GNU/Linux)

iEYEARECAAYFAlXos9AACgkQH9vdl60WBy+DgCfWIWuCnISFiAe9kberTdMhGpb  
c+oAoM5CSWo2R8ek9Z2JPzz/M7lfbQtP  
=UOv+

-----END PGP SIGNATURE-----

# Attachment “2”

# Diversified Landscape Co.

21730 Bundy Canyon Road  
Wildomar, CA 92595

Phone: 951-245-1686  
Fax: 800-783-4197

DBE 8022 SBE 12567 Union Contractor Lic. 576183 DIR 1000009249

To:	Coffman Specialties, Inc	Contact:	Estimating
Address:	9685 Via Excelencia, Suite 200 San Diego, CA 92126	Phone:	(858) 536-3100
		Fax:	(858) 586-0164
Project Name:	11-211904	Bld Number:	2768
Project Location:	Rte. 15 Adams To Rte. 8, San Diego, CA	Bld Date:	9/3/2015
Addendum #:	1		

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
<b>DEB Items</b>					
1	Remove Existing Irrigation Facility	1.00	LS	\$10,100.00	\$10,100.00
2	Roadside Clearing	1.00	LS	\$6,410.00	\$6,410.00
3	Relocate Irrigation Controller	1.00	LS	\$5,220.00	\$5,220.00
4	Control and Neutral Conductors	1.00	LS	\$20,200.00	\$20,200.00
5	1" Remote Control Valve	11.00	EACH	\$400.00	\$4,400.00
6	1 1/2" Remote Control Valve	9.00	EACH	\$470.00	\$4,230.00
7	Riser Pedestal	1.00	EACH	\$800.00	\$800.00
8	Tree Well Sprinkler Assembly	89.00	EACH	\$40.10	\$3,568.90
9	Riser Sprinkler Assembly (Gear Driven)	150.00	EACH	\$35.40	\$5,310.00
10	Riser Sprinkler Assembly	8.00	EACH	\$28.60	\$228.80
11	1 1/2" Gate Valve	1.00	EACH	\$380.00	\$380.00
12	2" Gate Valve	5.00	EACH	\$480.00	\$2,400.00
13(F)	1" Plastic Pipe (Schedule 40) (Supply Line)	8,279.00	LF	\$6.05	\$50,087.95
14(F)	1 1/4" Plastic Pipe (Schedule 40) (Supply Line)	1,410.00	LF	\$6.30	\$8,883.00
15(F)	1 1/2" Plastic Pipe (Schedule 40) (Supply Line)	1,008.00	LF	\$6.45	\$6,501.60
16(F)	2" Plastic Pipe (Schedule 40) (Supply Line)	1,150.00	LF	\$6.75	\$7,762.50
17(F)	3" Plastic Pipe (Class 315) (Supply Line)	3,400.00	LF	\$11.10	\$37,740.00
18	10" Corrugated High Density Polyethylene Pipe	59.00	LF	\$84.40	\$4,979.60
19	Mobilization	1.00	LS	\$11,400.00	\$11,400.00
<b>Total Price for above DEB Items Items:</b>					<b>\$190,602.35</b>

## Non-DEB Items

14	Move In/Out Temporary Erosion Control	2.00	EACH	\$320.00	\$640.00
15	Temporary Hydraulic Mulch (Bonded Fiber Matrix)	16,800.00	SY	\$0.52	\$8,736.00
49	Weed Germination	340.00	SY	\$3.75	\$1,275.00
50	Iron Sulfate	870.00	LB	\$1.25	\$1,087.50
52	Packet Fertilizer	3,690.00	EACH	\$0.16	\$590.40
53	Plant (Group K)	4.00	EACH	\$300.00	\$1,200.00
54	Plant (Group A)	3,040.00	EACH	\$7.30	\$22,192.00
55	Plant (Group U)	210.00	EACH	\$91.90	\$19,299.00
56	SOD	340.00	SY	\$33.70	\$11,458.00
57	Plant Establishment	1.00	LS	\$29,700.00	\$29,700.00
58	Wood Mutch	110.00	CY	\$73.40	\$8,074.00
74	Move In/Out Erosion Control	2.00	EACH	\$320.00	\$640.00
75	Fiber Rolls	11,900.00	LF	\$3.75	\$44,625.00
76	Hydroseed	85,700.00	SF	\$0.09	\$7,713.00
77	Compost	2,980.00	SF	\$0.36	\$1,072.80
78	Incorporate Materials	2,980.00	SF	\$0.56	\$1,668.80
<b>Total Price for above Non-DEB Items Items:</b>					<b>\$159,971.50</b>

**Total Bid Price: \$350,573.85**

**Notes:**

- The above prices do not include Performance and Payment Bond. Add 2% if bond is required. Due in 30 days.
- Night work is excluded.
- Import or export of soil is excluded.
- Water meters, point of connection, cost of water and hot taps are excluded.
- Electrical is excluded except for final hookup to controller.
- Cut, cap, patch and removal of concrete or asphalt is excluded.
- Traffic control is excluded.
- Maintenance of temporary erosion control is excluded.
- Removal of temporary erosion control is excluded.
- Retention to be held at the same rate as Owner to Contractor.
- Pipe and wire to be installed prior to paving or hardscape.
- Installation of sleeves to be scheduled prior to compaction of subgrade or installation of any facilities above sleeve.
- Semi-truck access is required within 200 feet for mulch work.
- Water to be provided through a 2.5" metered hydrant or equal at jobsite for hydroseed work.
- Hydroseed truck access is required.
- Roadside clearing will be performed immediately prior to any landscape work.
- A 1% processing fee will be charged against all dollars billed into the Caltrans Oracle website if the Prime Contractor requires Diversified Landscape to manually process EWB's through "Sub Entry" in their behalf. This service will be payable to Diversified Landscape upon EWB payment from Owner to Prime Contractor.
- Mobilization to be paid evenly (50/50) over first two progress payments.
- All of the notes above to be made part of contract.
- Proposal good for 60 days.
- We are a Disadvantaged Business Enterprise (#8022) for NAICS Codes 237110, 237310, 237990.

**Payment Terms:**

Payment to be made within 7 days of progress payment to contractor.

<b>ACCEPTED:</b> The above prices, specifications and conditions are satisfactory and are hereby accepted.  <b>Buyer:</b> _____ <b>Signature:</b> _____ <b>Date of Acceptance:</b> _____	<b>CONFIRMED:</b> <b>Diversified Landscape Co.</b>  <b>Authorized Signature:</b> _____ <b>Estimator:</b> Daniel Cano (951) 245-1686 daniel@diversifiedlandscape.com
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# Attachment “3”



<sup>6</sup> *ibid.*, 211, 212.

11-271804

### THE CASES

**DIVERSIFIED LANDSCAPE CO**

Name of DVE representative

**RICK BEAN**

**BUCKLE UP, AMERICA!**

8022

**COFFMAN SPECIALTIES, INC.**

CONFIDENTIAL - COASTAL REG. INFO  
This is a preliminary report and is not to be used for legal purposes.

Digitized by srujanika@gmail.com

**STEVE HARDER**

Das Jahr 1816 ist die 34te von 100 Jahren

SEPTEMBER 3, 2015

[illegible]

ॐ नमो भगवते वासुदेवाय ॥

072

Rich Allen

01-15-11

Chief of

5845

Date 11/1/95

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

PAGE 1 OF 2

ADN file: FBI-Washfield in survey dated 7/26, file says it is not a federal facility. See below. See call (11) 851 24 44 or TDD (11) 851-2443 or write the state and federal government, 1700 J Street, NE, Sacramento, CA 95834.

Contract No. 11-2T1804

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**DBE CONFIRMATION**  
 DBE-06-010213 (REV 3/2016)

Contract No.

11-2T1904

Work Order Number

DIVERSIFIED LANDSCAPE CO

Trade or Service

RICK BEAN

DBE Certified Number

8022

DBE Office

COFFMAN SPECIALTIES, INC

Home or Place of Birth (City and State)

Name of Registered DBE or Sole Proprietor

STEVE HANDEE

Date of Registration (MM/DD/YYYY)

SEPTEMBER 3, 2016

Material	Description of Material (Include quantity and unit)	Amount (\$)
66	1 1/2" GATE VALVE (1EA @ \$380.00/EA)	\$380.00
67	2" GATE VALVE (6EA @ \$400.00/EA)	\$2,400.00
68 F	1" PLASTIC PIPE (8270LF @ \$8.05/LF)	\$6,657.85
69 F	1 1/4" PLASTIC PIPE (1410LF @ \$6.30/LF)	\$8,883.00
70 F	1 1/2" PLASTIC PIPE (1008LF @ \$6.45/LF)	\$6,501.60
71 F	2" PLASTIC PIPE (1160LF @ \$6.76/LF)	\$7,833.60
72 F	3" PLASTIC PIPE (3460LF @ \$11.10/LF)	\$37,740.00
73	10" CORRUGATE HIGH DENSITY POLY PIPE (681LF @ \$44.40/LF)	\$4,079.80
	CONTRACTOR MOBILIZATION (1LG @ \$11,400.00/LG)	\$11,400.00

If 100% of work is to be performed or completed by the DBE, describe the exact portion of the work to be performed or completed.

Total

\$190,609.35

As an authorized representative who is certified as a disadvantaged business enterprise, I certify that my business was certified by the bidder or prime contractor herein above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a certified and complete contract with the bidder or prime contractor in the form and content of the contract award, subject to the terms and conditions of the contract award.

I certify under penalty of perjury that the foregoing is true and correct.

Signature of DBE or Sole Proprietor

Rick Bean

Print Name of DBE or Sole Proprietor

Chief Estimator

Print Title of DBE or Sole Proprietor

8/18/15

Date

PAGE 2 OF 2

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Contract No. 11-2T1904

2

# Attachment “4”

# Low Bidder

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
DBE - COMMITMENT  
DES-06-0102.100 (REV 12/2014)

PAGE 1 OF 2

CONTRACT NO. 11-2T1904	
BID AMOUNT: \$ 9,285,000.00	
BID OPENING DATE: SEPTEMBER 3, 2015	
BIDDER'S NAME: COFFMAN SPECIALTIES, INC	
DBE GOAL FROM CONTRACT %: 12%	
DBE PRIME CONTRACTOR CERTIFICATION: N/A	TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE) 13
	TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE) \$12,911,750.00

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>1</sup>	WORK CATEGORY CODES <sup>2</sup>	NAME OF DBE <sup>3</sup> (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and 3rd party for subcontractors)	AMOUNT (\$)
1, 6, 22, 28, 29 137 THRU 143 40	LEAD CORP PLAN (PORTION) / REMOVAL PAINT STRIPE / MARKINGS / THERMO STRIPE MARKINGS / PVMT MARKERS	CB857 / CB858 / CB859 / C9906	PAYCO SPECIALTIES INC / DBE #102 120 NORTH 2ND AVE. CHULA VISTA, CA 91910 / 619-422-9204	\$25,957.50
	DEMO SAWCUT	C9980	G&F CONCRETE CUTTING INC / DBE #8735 PO BOX 10215 SANTA ANA, CA 92711 / 714-848-0397	\$22,344.00
12, 13	PREPARE SWPPP & ANNUAL REPORT	CB852	L&P FROM THE DBE #03522 115 R/OCE ROAD BROOKA, CA 93444 / 805-748-8576	\$4,000.00
144 THRU 151	ELECTRICAL	CB827 / CB828 / CB855	HIGH LIGHT ELECTRIC INC / DBE 28842 PO BOX 1739 RIVERSIDE, CA 92513 / 951-352-9046	\$717,777.00
14, 15, 27, 28 THRU 37 66F THRU 72F, 73 THRU 78	EROSION CONTROL / LANDSCAPE	C7005 / C1901	DIVERSIFIED LANDSCAPE CO / DBE #8022 21710 BUJOY CANYON ROAD YELDOWAN, CA 92385 / 951-245-1655	\$190,602.35
87, 88	JOINTED PLAN CONCRETE PVMT JOINT SEAL	C4040 / C9905	AUSTIN ENTERPRISE / DBE #13507 PO BOX 81979 HAWERSFIELD, CA 92080 / 661-582-1901	\$10,569.40

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE showing that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

<sup>1</sup>Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

<sup>2</sup>If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

<sup>3</sup>Use Work Category Codes from the California Unified Certification Program database.

see Attachment 1  
for Quotes

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Signature of Bidder

SEPTEMBER 8, 2015

Date

858-536-3100

(Area Code) Tel. No.

STEPHEN HARDER

Person to Contact

(Please Type or Print)

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 446-1233, TTY 711, or write to Records and Forms Management, 1120 I Street, MS-89, Sacramento, CA 95834.

Contract No. 11-2T1904

CONTRACT NO:

11-2T1904

BID AMOUNT:

\$ 8,285,000.00

BID OPENING DATE:

SEPTEMBER 3, 2015

BIDDER'S NAME:

COFFMAN SPECIALTIES, INC

DBE GOAL FROM CONTRACT %:

12%

DBE PRIME CONTRACTOR CERTIFICATION<sup>1</sup>:

N/A

TOTAL NUMBER OF ALL SUBCONTRACTS (DBE & NON-DBE)

TOTAL VALUE OF ALL SUBCONTRACTS (DBE & NON-DBE)

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	WORK CATEGORY CODES <sup>3</sup>	NAME OF DBEs (Must be certified on the date bids are opened. Include California's certification no., DBE address, and phone number. Show 2nd and 3rd level (for subcontractors))	AMOUNT (\$)
18, 19, 105, 106, 108, 109, 111, 112, 119	EROSION CONTROL / ADS PIPE MATERIAL (\$46,078.23 @ 60%)	C06007 C06207 C0621 F0086	TRIUMPH GEO-SYNTHETICS INC / DBE #5076 1235 N GROVE STREET ANAHEIM, CA 92806 / 866-775-7545	\$28,188.94
04	FRACTURED FIN TEXTURE MATERIAL (\$76,891.04 @ 60%)	C0900	RUPERT CONST SUPPLY / DBE #32785 2941 PARK DR, STE 20-487 EL DORADO HILLS, CA 95762 / 925-402-3627	\$46,764.62
	HOURLY TRUCKING SERVICES	C9602	JOHN'S EQUIPMENT RENTAL / DBE #6844 11775 TOPO LANE LAKESIDE, CA 92540 / 619-551-8129	\$330,000.00

<sup>1</sup>Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

<sup>2</sup>Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

<sup>3</sup>If 100% of an item is not to be performed or finished by the DBE, describe the exact portion of the item to be performed or finished.

<sup>4</sup>Use Work Category Codes from the California Unified Certification Program database.

Total Claimed  
Participation

\$ 1,376,201.81

14.82 %

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Signature of Bidder

SEPTEMBER 9, 2015

858-536-3100

Date

(Area Code) Tel. No.

STEPHEN HARDER

Person to Contact

(Please Type or Print)